

Memorandum

MIAMI-DADE
COUNTY

Date: (Second Reading 06-07-05)
April 19, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 7(I)

From: George M. Burgess
County Manager

Subject: Amendments to the Community Small Business Enterprise (CSBE) Program Ordinance

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached amendments to the Community Small Business Enterprise (CSBE) Program Ordinance to: reduce the contracting participation levels for bidding on specialty trade contracts above \$50,000 for Level II and Level III CSBE firms, add the definition of construction related trades that includes, but is not limited to, "Material and Debris Hauling", and expand the financial assistance component of the CSBE Program to allow the County the ability to engage in guaranteed short-term loans by partnering with lending institutions.

BACKGROUND

Since its implementation in 1997, a major objective of the CSBE Program has been to assure that no less than ten percent (10%) of the County's total expenditures for construction services are expended with CSBEs. From October 2004 to March 2005, seventy three projects at a value of \$285,695,038 have been recommended for award by the County Manager's Review Committee. Of this amount, \$39,449,850 (or 13%) has been recommended for award to CSBEs.

The vast majority of construction contracts that are set-aside for participation by CSBEs are undertaken by Level I firms who account for just over 59% of all certified firms, while Level II and Level III firms account for the remaining 41% (33% and 8% respectively). For example, over the past three years, 125 contracts were set-aside for participation among CSBEs. Ninety seven (or 77%) of these contracts were awarded to Level I firms, twenty three (or 18%) were awarded to Level II firms and five (or 4%) were awarded to Level III CSBE firms.

Further, a recent review of the 7040 Miscellaneous Construction Contract (7040), a specialty trade contract that is set-aside for CSBE participation at all levels, revealed similar disparity. Specialty trades include, but are not limited to, painting, electrical, carpentry, plumbing, heating, air-conditioning, roofing and sheet metal work. Under 7040, over 99% of all awards have gone to Level I firms, since the dollar value of these contracts fall below \$750,000.

In an attempt to establish parity, the CSBE Advisory Board is recommending that the contracting participation levels for Level II and Level III CSBE firms be reduced, for bidding purposes only, on specialty trade contracts above \$50,000. Please note however, that the certification size standards and contracting participation levels for all CSBEs (Level I, II and III) will remain unchanged.

The current CSBE contracting participation levels, based on 3 year average gross revenues, are as follows:

- Level I - \$0-\$750,000;
- Level II - above \$750,000 but not exceeding \$2,000,000; and
- Level III - above \$2,000,000 but not exceeding \$ 5,000,000.

The CSBE Ordinance is being amended pursuant to Resolution R-1409-04 which requested that the County Manager develop an amendment for the Board's consideration that adds the definition of construction related trades that includes, but is not limited to "Material and Debris Hauling" to be utilized when the County contracts for construction projects. Presently, firms may only be certified as CSBEs in trades under the following categories:

- SIC 15 - Building Construction, General Contractors and Operative Builders;
- SIC 16 - Heavy Construction, other than Building Construction; and
- SIC 17 - Specialty Trade Contractors.

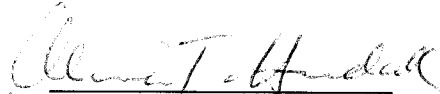
The proposed amendment provides that firms may be certified as CSBEs in other trades, including "Material and Debris Hauling", pursuant to the requirements stipulated in Chapter 10 of the Miami-Dade County Code.

An amendment is being proposed for the financial assistance component of the CSBE Program that would allow the County to engage in guaranteed short-term loans by partnering with lending institutions. Adequate cash flow has been a chronic problem for CSBEs which has adversely impacted their ability to perform on County contracts. Lack of financing has made it difficult for CSBEs to meet payroll and pay suppliers which often leads to project delays. This guaranteed loan program will facilitate loan approval for CSBEs who would not normally obtain bank loans through conventional methods and will ultimately result in improved contract performance. If approved, this component will be subject to the Prompt Payment Provisions of the CSBE Ordinance.

FISCAL IMPACT

In order to mitigate the County's exposure under the financial assistance component as described above, the following controls will be put in place: a) the CSBE contract will serve as collateral for the loan; b) proceeds from disbursed loans will be limited to contract expenses approved by the County for work performed and/or materials delivered by the CSBE, and c) all payments from the County or the prime contractor to the participating CSBE will be forwarded to a participating bank via a two party check. The bank will deduct any payments due and then remit the balance to the participating CSBE. There will be a financial impact in the event that a participating firm is debarred or its principals are convicted of a crime during the execution of a County contract.

Attachments



Alina Tejeda Hudak, Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(I)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(I)

06-07-05

ORDINANCE NO. _____

ORDINANCE PERTAINING TO COUNTY
CONSTRUCTION CONTRACTS; AMENDING
SECTION 10-33.02 OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA, PERTAINING TO THE
COMMUNITY SMALL BUSINESS ENTERPRISE
(CSBE) PROGRAM; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE
DATE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 10-33.02 of the Code of Miami-Dade County, Florida, is
hereby amended as follows:

Sec. 10-33.02. Community Small Business Enterprise Program.

* * *

(2) Definitions. The following definitions shall apply in this section:

Community Small Business Enterprise (CSBE) means a construction related enterprise including a design-build firm, >>and any firm providing trades and/or services for the completion of a construction project, as defined in Chapter 10 of the Code of Miami-Dade County,<< which has an actual place of business in Miami-Dade County and whose average annual gross revenues for the last three (3) years do not exceed: \$5,000,000 for SIC 15 - Building Construction, General Contractors and Operative Builders; \$3,000,000 for SIC 16 - Heavy Construction, other than Building Construction; or, \$2,500,000 for SIC 17 - Specialty Trade Contractors. CSBEs shall be categorized by the type of construction they perform in accordance with the two-digit Standard Industrial Classification (SIC) code, or the six digit North American Industry Classification System (NAICS), of the Census applicable to such type of construction. A CSBE will graduate out of the Program once it has exceeded these Size Limits based on its three year average annual gross revenues.

CSBEs must be certified by SIC, or NAICS, code, and classified into one of the three Contracting Participation Levels. The lack of bonding capacity shall not preclude an applicant from being certified as a CSBE. As part of the certification process, CSBEs must go through a prequalification process which will be used to determine which of the three Contracting Participation Levels the CSBE will be placed in based on the firm's three (3) year average gross revenues. The Contracting Participation Levels are as follows:

1. Level I - 3 year average gross revenues of \$0-\$750,000;
2. Level II - 3 year average gross revenues above \$750,000 but not exceeding \$2,000,000; or
3. Level III - 3 year average gross revenues above \$2,000,000 but not exceeding \$5,000,000.

A firm's eligibility to participate in the CSBE program and the contracting participation level at which it will participate shall be determined based on the three year average gross revenues of the applicant firm in combination with that of all of the firm's affiliates as provided in Appendix A. No firm shall be certified as a CSBE where the aggregate net worth of all of its owners is more than seven hundred fifty thousand dollars. Representations as to gross revenues and net worth of owners shall be subject to audit.

* * *

>>Except as provided above, Level II and Level III CSBEs certified in SIC Code 17 - Specialty Trade Contractors, may bid on contracts above \$50,000.<<

* * *

Contracting Participation Level refers to the level in which a CSBE firm is classified based on the average gross revenues of the firm over a 3 year period. In addition, construction contracts of \$5,000,000 or less (which may be reserved for limited competition amongst CSBEs) will be classified into one of the three Contracting Participation Levels based on estimated project cost. The three Contracting Participation Levels are:

1. Level I3 year average gross revenues of \$0-\$750,000
2. Level II.....3 year average gross revenues above \$750,000 but not exceeding \$2,000,000.

3. Level III.....3 year average gross revenues above \$2,000,000 but not exceeding \$5,000,000.

>>Except as provided above, Level II and Level III CSBEs certified in SIC Code 17 - Specialty Trade Contractors, may bid on contracts above \$50,000.<<

Prime contracts with estimated project construction cost in excess of \$5,000,000 shall be "open market" contracts which all firms can bid on.

* * *

(3) Program Components:

* * *

- B. Miami-Dade County Community Small Business Enterprise (CSBE) Program: The prompt payment provisions of this section shall take precedence over Section 2-8.1.4 of the Code (Sherman S. Winn Prompt Payment Ordinance), as to contracts specified below:

* * *

3. *Bonding and Financial Assistance Program:* This program will provide CSBEs with assistance in obtaining bonding and/or financial assistance for construction projects. Bonding assistance will include providing assistance in preparing and completing bond packages as well as providing funding to be used for bonding purposes. Financial assistance will include providing financial assistance such as mobilization capital >> line of credit, << and/or working capital >> loans, through partnering relationships with financial institutions, << ~~[[needed for specific projects]]~~. The specific details of the proposed program are shown in Attachment 2 >>, as amended << ~~[[which can be found in the County Clerk's office attached to Ordinance Number 97-52]]~~.

* * *

6. Subcontractor goals: The County Commission or Public Health Trust may establish subcontractor goals for any specialty >> and/or construction related << trade >> or service << portion of the work in a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract, and of the availability of CSBEs to afford

effective subcontracting competition therefor. The County Commission shall establish, where appropriate and upon the recommendation of the Review Committee, CSBE subcontractor participation goals for agreements where the County is procuring the services of Construction Manager-at-Risk. The CSBE subcontract goal established for the Construction Manager-at-Risk services agreement shall be applicable only to the procurement of construction management services and not to the procurement of trade packages on the actual construction project. For contracts for Construction Manager-at-Risk, subcontractor goals shall, where appropriate, be established by the County Manager or his designee for 1st, 2nd, 3rd or 4th tier subcontractors upon the recommendation of the Review Committee based on estimates made prior to advertisement of bid packages of the quality, quantity and type of subcontracting opportunities provided by the bid package and of the availability of CSBEs to afford effective subcontracting therefore. For contracts for environmental services where construction tasks are involved, CSBE subcontractor goals may be established by the County Manager upon the recommendation of the Review Committee based on estimates made prior to awarding such tasks and of the availability of CSBEs to afford effective subcontracting therefor. After bid advertisement, or other formal public notice, the established subcontractor goal may be reduced only with the approval of the County Commission, Public Health Trust or County Manager on Construction Manager-at-Risk contracts. The County Manager shall periodically report to the Board of County Commissioners on all goals on Construction Manager-at-Risk contracts.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

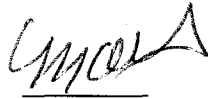
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The

sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," or "article," or other appropriate word.

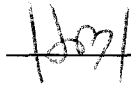
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney
as to form and legal sufficiency.



Prepared by:



R.A. Cuevas, Jr.

Attachment 2

**PROPOSED
BONDING AND FINANCIAL
ASSISTANCE PROGRAM**

BONDING & FINANCIAL ASSISTANCE PROGRAM

A. DESCRIPTION

1. The Consultant will provide Bonding Assistance and Financial Assistance to small businesses performing as prime contractors or subcontractors on Miami-Dade County construction contracts, or performing as vendors and providing goods and/or services to Miami-Dade County. These services will be referred to as the "Program."
2. The Consultant shall have in-house underwriting or pen authority of a minimum of \$>>6,000,000<< for Bonding Assistance. The Consultant shall solicit eligible bonding companies to participate in the Program, and write various types of bonds required by the contracting documents when the in-house authority is exceeded. The Consultant shall maintain a listing of the bonding companies which will be utilized in this program. This listing shall include treasury listed and state listed companies only.
3. The Consultant shall solicit eligible lending institutions to participate in the Financial Assistance portion of the Program, and write various types of working capital and revolving loans as needed. The Consultant shall maintain a listing of the financial institutions which will be utilized in this program.
4. The Consultant will identify the needs of the Program participants. Any small business who becomes a Program participant shall fill out an application and undergo a Needs Assessment performed by the Consultant. After the Needs Assessment is performed, the Consultant shall identify the applicant's needs such as Bonding Assistance or Financial Assistance.
5. If Bonding Assistance is identified as a need, the applicant shall fill out a Bonding Assistance application. The application form shall contain, among other things, a release from the participant to [[Metro]]>>Miami<<-Dade County, the Construction Manager and the Consultant (Consultants and Sub-Consultants), their officers, employees, contractors and agents, from any and all liabilities and claims, of whatever nature, arising out of any denial of a bond.
6. In considering the bond request, the Consultant will proceed with reasonable speed. Best efforts will be made by the Consultant to process bond packets. Although the subcontractor is not required under [[Metro]]>>Miami<<-Dade County's provisions to provide a bond, it is the Consultant's responsibility to provide the Prime Contractor the participant's bonds prior to the date the work begins. This is necessary to meet the following [[Metro]]>>Miami<<-Dade County contract provisions which will be administered by the

Consultant. The following provisions will appear in all relevant County contracts:

Florida Law requires bonding for public works projects for 100% of the contract amount. This bonding requirement is between the County and its 1st tier contractor; however,

- a. It shall be the responsibility of each subcontractor submitting bids to a Prime Contractor to be prepared to submit faithful performance and payment bond(s) if so requested by the Prime Contractor after execution of a written subcontract and prior to commencement of subcontractor's work.
 - b. In the event any subcontractor submitting a bid to a Prime Contractor does not, upon the request of the Prime Contractor and the expense of the Prime Contractor, furnish to such Prime Contractor a bond(s), issued by an admitted bonding company wherein the Prime Contractor shall be named the obligee, guaranteeing prompt and faithful performance of such subcontract and the payment of all claims for labor and materials furnished or used in and about the work to be done and performed under such subcontract, the Prime Contractor may reject such bid and make a substitution of another subcontractor subject to the bid specifications. Such bond(s) may be required at the expense of the subcontractor only if the Prime Contractor in his written or published request for sub-bids (1) specifies that the expense for such bond(s) shall be borne by the subcontractor and (2) clearly specifies the amount and requirements of such bond(s).
 - c. In any event, if the bond process for the Program participant is not completed before the Prime's contract approval and award date, or within 90 days of the commencement of work of the Program participant, it is the Prime Contractor's sole discretion to extend time for the bond to be concluded or waive the bond. The Prime Contractor must allow the Consultant to exhaust all attempts to provide a bond prior to requesting to substitute the Program participant in accordance with the bid specifications.
7. If Financial Assistance is identified as a need, the Applicant shall fill out a Financial Assistance application. This application will be reviewed by the Consultant; if it is acceptable to the Consultant, it shall be forwarded to the Loan Committee for review. If the Loan Committee approves the loan request, a Commitment Letter is issued, noting the proposed terms of the loan request. The applicant will have thirty (30) days to accept these terms; if accepted, a closing date will be set.

8. The Consultant shall also identify the applicant's need for Management and/or Technical Assistance, and shall provide the applicant with a list of providers of such assistance. The Consultant may require that the applicant pursue and complete certain Management and/or Technical Assistance Programs prior to obtaining approval for participation in Financial and/or Bonding Assistance Programs.

B. PROGRAM REQUIREMENTS

The Program is divided into two segments, each designed to enhance the other components of the program to make the complete project functional. The following elements outline the minimum tasks required by the County to have an effective Bonding and Financial Assistance Program:

B.1. BONDING ASSISTANCE PROGRAM (BASIC SERVICES)

The Bonding Assistance Program is one of the basic programs which will require constant staffing for participants seeking assistance.

The Consultant shall assist the Program participant in preparing and completing the bond package using the following forms:

- Bond Application
- Income Statement
- Schedule of Accounts Payable (if required)
- Schedule of Accounts Receivable (if required)
- Schedule of Contracts under construction
- Schedule of Contracts completed
- Contractor's estimate of subject job
- Certificate of Insurance
- Escrow Agreement (if required)
- Assignment of Contract proceeds agreement (if required)
- Agreement of General Indemnity
- Business Plan

>>The Consultant shall also:<<

Coordinate the placement of bonds for the project.

Provide interested small businesses with adequate information about the requirements of the Bonding program.

Coordinate and provide ongoing services between the County, contractors and bonding companies.

Advise and inform the County Manager, or his or her authorized representative of the progress of the Bonding Assistance Program on an ongoing basis.

Attend and actively participate in the periodic meetings with County staff, contractors and subcontractors and report the status of the Bonding Assistance Program and explain any changes that may enhance or detract from the effectiveness of the program.

Prepare monthly and quarterly progress reports by the 7th day of each month. These reports shall describe significant achievements and problems which have a potential effect on the contract's costs. The progress reports should be sufficiently detailed to assure that directions being pursued are in compliance with the established Bonding Assistance Program. The Consultant shall also prepare an annual audio-visual report highlighting the progress of the Bonding Assistance Program participant performing on various County projects.

Prepare an annual report for the County Manager summarizing the services provided. This report should include the observations and recommendations on new developments in the bonding marketplace. Other reports may be provided.

Bond Application Review Process

Upon completion of the bond application package, the Consultant shall perform the review and approval of the Bonding Assistance Program participant's application. The Consultant will consider, at a minimum, past performance record, character, capability, and capital. It is the primary responsibility of the Consultant to determine if the applicant is bondable after the review process. Applicants who are determined as non-bondable may not be eligible for the startup/working capital loan assistance program; however, they may be eligible for the Management & Technical Assistance Program.

B.2 FINANCIAL ASSISTANCE ~~[[SERVICES]]~~ >>PROGRAM<<

~~[[The Financial Assistance Program is the other basic program which will require constant staffing for participants seeking assistance. The Consultant]] >>If Financial Assistance is identified as a need, the Program participant will provide all the~~

necessary documentation to complete a Financial Assistance application. DBD, through partnering relationships with lending institutions and entities, << shall >>provide<<:

>>a.<< ~~[[Provide]]~~ ~~[[!]]>>~~L<<ow-interest loans for mobilization,>>lines of credit<<, working capital and/or revolving loans. >>Miami-Dade County will guarantee each loan as specified in a guarantee agreement between Miami-Dade County and the lending institution. The funding for the guarantee will be provided by a standby letter of credit agreement with a lending institution. The amount of the letter of credit will be established through the Office of Strategic Business Management, the Finance Department and DBD. The County Manager, or his or her designee, shall execute final documents to facilitate the completion of loans guaranteed by Miami-Dade County.<<

>>b.<< Loan Packaging for application to outside lending institutions

>>c.<< Banking Services

>>d.<< Letters of Credit

>>e.<< Accounting>>and Business Plan Reimbursement<< Services[[,
including preparation of Tax Returns, Financial Statements,
Compilations, Reviews, Audits and Business Plans

~~All financial records maintained for the Program will be incorporated into a generally accepted accounting system for the participant.]]~~

~~[[The Consultant]]~~ >>DBD<< shall assist the Program participant in preparing and completing the Financial Assistance application package using the following forms:

>>a.<< Loan application forms

>>b.<< Business financial statements for the last three (3) fiscal year ends

>>c.<< Financial statement of the business and supporting bank statements not older than 90 days

>>d.<< Corporate tax returns for the last three (3) years

>>e.<< Aging of accounts receivable and payables not older than 90 days

>>f.<< Projected cash flow and income statement with loan proceeds

>>g.<< History of business including complete detailed business plan with 5 years projection

>>h.<< Trade references

>>i.<< Complete list and evidence of costs of all equipment in the business

>>j.<< Estimates of equipment and fixtures to be acquired, if any

>>k.<< Copies of pending contracts or purchase orders

>>l.<< Copy of lease or letter of intention to lease

>>m.<< Contract for purchase (buyer and seller agreement)

>>n.<< Articles of Incorporation, By-Laws and Certificate of Good Standing, or copy of Partnership Agreement

>>o.<< Current and Projected Employee Data

>>p.<< Personal Financial Statement and supporting bank statements not older than 90 days

>>q.<< Personal Income Tax for the last three (3) years, including Schedule C for sole proprietorship and Form 1065 for partnership

>>r.<< Statement of Personal History

>>s.<< Personal resume

>>t.<< Copy of Warranty Deeds of all Real Estate owned by business or Guarantors, and copy of closing statements evidencing original purchase

>>u.<< Evidence of Tax Assessment Values and any existing appraisals (A current appraisal, not older than 6 months, by an appraiser acceptable to the County shall be required if approval is granted)

>>v.<< Evidence of existing Mortgage Balances and copy of corresponding documents

>>w.<< Evidence of Insurance Coverage on properties owned

~~[[An Original Loan Denial Letter and a copy of the supporting credit application from one (1) bank not older than 90 days.]]~~

>>**Financial Assistance Application Review Process**

Upon completion of the Financial Assistance application package, DBD staff will perform a review of the Program participant's application. DBD will forward the completed Financial Assistance application package to a participating lending institution. The lending institution will notify DBD staff of the approval status of the loan application.

DBD shall also<<

~~[[The Consultant shall provide]]~~ >>Provide<< interested ~~[[small businesses]]~~ >>CSBEs<< with adequate information about the requirements of the Financial Assistance Program.

~~[[The Consultant shall also]]~~ ~~[[c]]~~ >>C<<ordinate and provide ongoing services between the County, contractors and lending institutions.

Advise and inform >>the CSBE Advisory Board and<< the County Manager >>or his or her designee<<of the progress of the Financial Assistance Program on an ongoing basis.

Attend and actively participate in ~~[[the]]~~ periodic meetings with County staff, contractors and subcontractors and report the status of the Financial Assistance Program and explain any changes that may enhance or detract from the effectiveness of the program.

Prepare~~[[monthly and]]~~quarterly progress reports ~~[[by the 7th day of each month or as otherwise agreed upon. These reports]]~~ >>which<< shall describe significant achievements and ~~[[problems]]~~ >>issues.<< ~~[[which have a potential effect on the Program. The progress reports should be sufficiently detailed to assure that directions being pursued are in compliance with the established Financial Assistance Program. The Consultant shall also prepare an annual audio-visual report highlighting the progress of the Financial Assistance Program.]]~~

Prepare an annual report for >>the CSBE Advisory Board and<< the County Manager >>highlighting the progress of the Financial Assistance Program participants performing on various County construction projects, and<< summarizing the services provided. ~~[[This report should include the observations and recommendations on new developments in the financial marketplace. Other reports may be provided.]]~~

Financial Assistance Application Review Process

~~Upon completion of the Financial Assistance application package, the Consultant shall perform the review and approval of the Program participant's application. The Consultant will consider, at a minimum, past performance record, character, capability, and capital.]]~~

~~[[PROGRAM RESTRICTIONS~~

~~The following restrictions shall apply to the Program applicant:~~

- ~~a. Any applicant who exceeds the Community Small Business Enterprise CSBE Program size thresholds is prohibited from participating in this program.~~
- ~~b. Applicants who have been identified through the Needs Assessment as needing Management and/or Technical Assistance will be certified for such assistance for a period of two (2) years after identification of such need.]]~~

USE OF OTHER LOCALLY FUNDED ASSISTANCE AGENCIES

~~[[The Consultant]] >>DBD<< shall utilize the services of other publicly and privately funded assistance agencies and non-profit agencies which can provide [[technical]] >>bonding<< and financial services to [[small]] >>CSBEs<< [[and economically disadvantaged businesses required under this contract]].~~